

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SHELDON G. ADELSON,

Plaintiff,

v.

MOSHE HANANEL,

Defendant.

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Civil Action No.

04-cv-10357-RCL

OPPOSITION OF HANANEL TO MOTION FOR LETTERS ROGATORY (ZHANG)

Defendant Moshe Hananel (“Hananel”) opposes the Motion of Plaintiff Sheldon Adelson (“Adelson”) for letters rogatory (and request for international judicial assistance) to take the deposition of George Zhang in Macau, China and requests that the Court deny the motion without prejudice to its renewal following the Court’s decision on Hananel’s pending Motion to Dismiss for Forum Non Conveniens. As grounds, Hananel says:

1. In January 2005 this Court denied without prejudice Hananel’s previous forum non conveniens motion, allowing its renewal after resolution of the jurisdiction question. Electronic Order dated January 19, 2005; *see* Report and Recommendation on Defendant’s Renewed Motion to Dismiss For Lack Of Personal Jurisdiction (Magistrate Judge Sorokin), Oct. 31, 2005, Dkt # 78 at 2.

2. Hananel’s Motion for Extension Of Time To Postpone Commencement Of Discovery (Dkt. # 91), and his Motion For Extension of Time (Further) to Answer (Dkt. # 92) seeking the same relief, i.e., postponement until after the motion to dismiss is decided, were filed on Dec. 15, 2005 and Adelson has not opposed either of them.

3. Judge Lindsay entered an electronic Order on Dec. 28, 2005 canceling the scheduling conference set for Dec. 29, stating “[a] new date will be set once the motion to

dismiss has been decided, if necessary (emphasis added).” By this Order, the Court has recognized the fairness of avoiding burdens on the parties until its order permitting consideration of forum non conveniens dismissal has been carried out.

4. The interests of justice will be served by denying Adelson’s motion without prejudice. The Court should postpone consideration of the merits of Adelson’s motion for letters rogatory until after decision of the Motion to Dismiss, because consideration of the merits of allowing this expensive proposed discovery, is an expense to the parties and the Court that would be rendered unnecessary by a dismissal.

WHEREFORE, the Court is requested to deny the Motion of Adelson for letters rogatory (and request for international judicial assistance) to take the deposition of George Zhang in Macau, China, without prejudice to its renewal following the entry of decision by this Court on Hananel’s Motion to Dismiss for Forum Non Conveniens.

Respectfully submitted,
MOSHE HANANEL
By His Attorneys,

/s/ James A. G. Hamilton
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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 11, 2006.

/s/ James A.G. Hamilton